
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL PARKS)
Plaintiff,)
v.) Civil Action No. 3:10-0394
JANUARY ENVIRONMENTAL SERVICES, INC.)
Defendant.)
Judge Nixon
Magistrate Judge Knowles
Jury Demand

INITIAL CASE MANAGEMENT ORDER

Pursuant to Local Rule 16.01(d)(2), the following Initial Case Management Plan is adopted:

1. **Jurisdiction:** The parties do not dispute jurisdiction.

2. **Plaintiff's theory of the case:**

Plaintiff's termination from his employment with January Environmental Services, Inc., was either due solely for Plaintiff's refusal to engage in illegal activity or was a substantial factor for his termination, a violation of Tennessee's common law claim of retaliatory discharge and/or a violation of the Tennessee Public Protection Act (hereinafter TPPA).

3. **Defendant's theory of the case:** The Plaintiff was not employed by January Environmental Services, and therefore, are not liable for the statutory or common law allegations set forth in the Plaintiff's complaint. In the alternative, Defendant denies that Plaintiff was wrongfully terminated solely or substantially for his for refusal to particulate in any illegal activity. Plaintiff was terminated for a legitimate, non-discriminatory and non-

retaliatory reason. Defendant further submits that Plaintiffs' claim for punitive damages is not supported by the facts or law in this cause.

4. Identification of the issues:

Plaintiff and Defendant agree to jurisdiction and venue. All issues related to liability pursuant to the Tennessee's common law retaliatory discharge and TPPA are disputed.

5. Need for other claims or special issues under Rules 13-15, 17-21, and Rule 23 of the Federal rules of Civil Procedure:

The parties at this time do not know whether there will be additional counter-claims, cross-claims, third-party claims or joinder of other parties or claims or the need for resolution of any issues arising under the above cited rules.

The deadline for filing Motions to Amend the pleadings is October 31, 2010.

6. Witnesses, if known, subject to supplementation for each party.

At this time, the parties have not identified witnesses.

7. Initial Disclosures and Staging of Discovery:

Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be served by the parties within 28 days of the date of the Initial Case Management Conference.

The parties shall complete all non-expert discovery and depose all fact witnesses on or before March 10, 2011. All written discovery shall be submitted in sufficient time so that a response shall be in hand by January 10, 2011.

The deadline for filing discovery-related motions regarding fact discovery is March 17, 2011.

In the event that expert testimony is necessary, the plaintiff shall identify and disclose all expert witnesses and expert reports on or before February 28, 2011. The defendant shall identify and disclose all expert witnesses and expert reports on or before April 29, 2011. Any rebuttal expert reports shall be served by *May* 31, 2011. Discovery relating to experts shall be completed by *July* 1, 2011.

Prior to filing any discovery-related motion, the parties will schedule and conduct a telephone conference with the Magistrate Judge.

8. Dispositive Motions:

All dispositive motions shall be filed by August 1, 2011. Responses to dispositive motions shall be filed by ~~on or before 30 days after the filing of the motion~~ September 1, 2011. Optional replies shall be filed by ~~September 15, 2011. on or before 15 days after the filing of the response.~~

9. Other deadlines:

All motions to amend the pleadings must be filed by May 2, 2011. Defendant reserves the right to conduct additional discovery and disclose additional experts and expert opinions should Plaintiff disclose amend his Complaint to add additional theories or causes of action.

10. Subsequent case management conferences:

~~A case management conference will be held approximately sixty (60) days before the close of discovery. The conference will be conducted by telephone and will be initiated by the Court.~~

11. Alternate dispute resolution:

The parties have not yet determined whether alternate dispute resolution is appropriate at this time.

12. Consent to trial before the Magistrate Judge:

The parties do not consent to trial before the Magistrate Judge.

13. Trial date:

This case is set for trial on January 24, 2012, at 9:00 a.m. before the Honorable John T. Nixon. The pretrial conference is set for January 13, 2012, at 10:00 a.m.

It is so ORDERED:

*E. Christopher Karl
U.S. M.J.*